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Name of Agent Reg. No.
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#29

Case 6563

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :
Gary Dean LaVon, et al. :
Serial No.: 08/828,005 : Group Art Unit: 3761
Filed: March 27, 1997 : Examiner: K. Reichle (703) 308-2617
Title: Absorbent Articles Having Removable
Components :
Confirmation No. 4421

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JUN 06 2001

OFFICE OF PETITIONS

PETITION TO REVIVE UNDER 37 CFR 1.137

Commissioner for Patents

Washington, D.C. 20231

Dear Sir:

The Commissioner is hereby petitioned under 37 CFR 1.137 to revive the above-identified case and to provide Applicants with a favorable decision on the petition to reconsider the pending restriction requirement in this case. Applicants submit that the abandonment of the above-identified case is unintentional, and hereby authorized The Commissioner to charge payment of any fees associated with this communication, including fees required to make any additional copies of this petition, to Deposit Account No. 16-2480.

REMARKS

Applicants submitted on April 6, 2001 a petition to grant reconsideration of a restrict requirement in the above-identified case. In lieu of a decision on the petition of the restriction requirement, the above-identified application was abandoned by the Examiner. Applicants submit that this abandonment is improper, however, will request revival of the application to advance the prosecution of the application.

The Examiner supported the abandonment of the above-identified case with the following remarks: "This application is abandoned in view of Applicant's failure to elect a species in response to Paper No. 23 mailed 3-2-01. The petition for reversal of a restriction requirement will be considered upon revival of the application in combination with an election of one of the species by Applicant."

Applicants disagree with the requirement to elect a species for prosecution before a decision on a reversal of the restriction requirement can be determined. As previously stated, Applicants are willing to comply with 35 U.S.C. 121 in an election of species to prosecute on the merits, however, Applicants still submit that the restriction requirement is unclear. Accordingly, to advance the prosecution of the